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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,260	03/09/2005	Peter Dyer	4046-030	2898
23440 7590 04/30/2008 GOTTLIEB RACKMAN & REISMAN PC 270 MADISON AVENUE 8TH FLOOR NEW YORK, NY 10016-0601				
EXAMINER				
HU, KANG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/527,260

Applicant(s)

DYER, PETER

Examiner

KANG HU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 6-15, 17 and 27-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6-15, 17 and 27-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The present office action is in response to amendment after non-final rejection dated 1/22/2008. Claims 2-5, 10-14, 16, 18-26 are cancelled. Claims 27-43 are newly added. Currently claims 1, 6-9, 10-15, 17, 27-43 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-9, 10-15, 17, 27-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Examiner's official notice.

As previously indicated in office action dated 7/19/07:

Re claim 1-9, the broadly claimed invention, a memory aid comprising a display having a plurality of display zones, each display zone adapted to provide a display independently of the other display zones, each display zone capable of sequentially displaying the letters of an alphabet and a control adapted to cause the sequential display of the letters at each display zone can be interpreted as a split-flap display or sometimes simply a flap display seen in most airport or train stations (see attached split-flap display from answers.com). The split-flap display has a plurality of display zones, each of the display zone is adapted to provide a alphanumeric text, and possibly graphics independent of the other display zones. Each of these zones is capable of

sequentially displaying the letters of an alphabet and there's a control adapted to cause the sequential display of the letters at each display zone. These devices are electronically operated device (claim 2). The control enables the display at each display zone to sequentially display the letters and to maintain the display of a selected letter (claim 3). The control includes an operator controlled first switch whereby the letter displayed can be changed sequentially (claim 4). The control is adapted to cause the display zones to be activated sequentially (claim 5). The split-flap display has multiple controls where it can control each and every single separate display zones separately is analogous to having the control means of an operator controlled second switch whereby the display zone to be controlled by the first switch can be selected by operation of the second switch (claim 6). The split-flap display can separately change each display zone is analogous to wherein each display zone is controlled by a separate first switch (claim 7). The split-flap display discloses "as most split-flap displays only rotate in one direction" and "many game shows of the 1970s used this type of display for the contestant podium scoreboards. These were called Solari boards. Usually, the flip was left-to-right on a vertical axis, although up/down on a horizontal axis was not completely unknown" teaches wherein each first switch comprises a pair of switches where each switch is able to activate the display zones to sequentially display the letters in opposite order to the other first switch (claim 8). The split-flap display controlled by a program on a computer by an operator at a control center to change the arrival and departure status of trains and airplanes is analogous to the control comprises a computer program adapted to control a computer and/or processor to provide a display of the display zones and adapted to control the display at each display zone to cause the letters to be sequentially displayed at each display zone and for a selected letter to be retained the respective display zone (claim 9).

Re claims 10-14, the limitations of claims 10-14, the control enables an operator to operate a first control whereby the letter displayed can be changed sequentially (claim 10), the control is adapted to cause the display zones to be activated sequentially (claim 11), the control enables an operator to operate a second control whereby the display zone to be controlled by the first control can be selected by operation of the second control (claim 12), each display zone is controlled by a separate first control (claim 13) and each first control comprises a pair of controls where each control is able to activate the display zones to sequentially display the letters in opposite order to the other first switch (claim 14) have been discussed above as each of the split-flap display has a plurality of display zones, each of the display zone is adapted to provide a alphanumeric text, and possibly graphics independent of the other display zones. Each of these zones is capable of sequentially displaying the letters of an alphabet and there are controls adapted to cause the sequential display of the letters at each display zone. The flaps are able to move in different directions.

Claims 1 and 16-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Li (US 6,358,059 B1).

Re claim 1, Li teaches of a tool comprising a display having a plurality of display zones, each display zone adapted to provide a display independently of the other display zones, each display zone capable of sequentially displaying the letters of an alphabet and a control adapted to cause the sequential display of the letters at each display zone (Figs 1-18, cols 1 and 2). Li further teaches the device is mechanically operated device (claim 16); comprising a set of display

elements each having a display face, the display elements associated with a display area having a plurality of display zones the display zones being in one to one correspondence with the display faces, whereby each display element is independently movable relative to display zone to cause the display face of each display element to be moved past the display zone, each display zone bearing the letters of an alphabet and wherein each letter of a display face can be independently and selectively viewed at the display zone, the control comprising a portion of each display element which can be manually manipulated to cause the relative movement of the display elements (claim 17); each of the display elements comprises a disc (claim 18); the display faces comprise an axial face of the discs (claim 19); the display faces comprise the radial face of the discs (claim 20); the discs are concentrically supported (claim 21); the discs are of differing diameters and the display faces are defined by an annular zone around the outer perimeter of the disc (claim 22); the display zone overlies the rotation path of the display faces (claim 23); said discs are mounted in side by side relationship, the display faces are defined by an annular zone around the axial face of the respective disc and the display zone overlies the rotation path of the display faces (claim 24); the display elements comprise elongate elements which are in side by side relationship, the display elements being slidable with respect to each other, with a display face comprising the adjacent portions of the display elements (claim 25) are shown in figs 1-18 of Li.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Split-flap display (wikipedia) in view of Parsadayan (US 6,317,489 B1).

Re claim 15, the split-flap display does not teach the computer program is incorporated into a telephone having a visual display such as a mobile phone and having a processor whereby the program can be activated and operated by manipulation of the keypad of the telephone.

Parsadayan discloses the entry phone apparatus comprising of a visual display having a processor whereby the program can be activated and operated by manipulation of the controls on the telephone (fig 2a, 11 and 12a; cols 3 and 4). It would be obvious at the time of the invention to modify the split-flap display to be incorporated into a telephone having a visual display such as a mobile phone and controlled and operated by manipulation of the keypad of the telephone to increase the speed in which the operator can manipulate the split-flap display.

Re claims 1, 6-9, 10-15, 17, 27-43, the invention as claimed "a memory aid comprising an electronic display having a plurality of display zones located in a side by side relationship, each display zone adapted to provide a display independently of the other display zones, each display zone sequentially displaying all the letters of the alphabet and a control causing the sequential display of the letters at each display zone, said control including at least one operator controlled switch selectively activating each said display zone to display said letters in a predetermined order and to select one letter for each display zone; each display zone retaining a respective letter for display while letters are being selected in the other display zones is obvious over commonly

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seen devices such as a digital clock display that changes number instead of letters,



And such split-flap display found in Frankfurt (Main) Hauptbahnhof train station (the train station opened in 1866 and the split-flap display has existed for quite sometimes.



Also as one knows, whenever an arcade game ends, if the player scored a high score, the player is asked to leave their name or initial for the high score rank

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Also known are different types of combination locks



Some of these are just examples of every day things that one knows that renders the claims obvious, the specific limitations of display zones to be sequentially displayed in groups

comprising the consonants and the vowels are not taught in the examples provided above, however these would be the intended use and design choice offered by the designer of these devices for their specific purposes.

In re claims 17, 27, 30, 31, 36-41 where the design of the memory aid device is of disc shaped instead of displays side-by-side of each other, the examiner previously cited examples such as Buckley (US 2,370,229); Li (US 6,358,059 B1), D'agostino (US 3,200,517) all provides a circular design of the memory device and also a intended use and design choice.

Response to Arguments

4. Applicant's arguments filed 1/22/08 have been fully considered but they are not persuasive. The applicant's argument of the memory aid device has been considered fully, however the argument is directed toward the intended use of the invention and does not provide a patentable structure or novel idea that is different than the cited art.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kang Hu/
Examiner, Art Unit 3714

/Ronald Lancau/
Supervisory Patent Examiner, Art Unit 3714

